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**SEP 26 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Gobeli and Leszinske :  
Application No. 09/878,307 :  
Filed: June 8, 2001 :  
Attorney Docket No. 5899-A-5 :

**ON PETITION**

This is a decision in response to the papers filed June 23, 2005, which are being treated as a petition under 37 CFR 1.47(a), a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.48(a), and a petition under 37 CFR 1.183 requesting waiver of 1.64.<sup>1</sup>

The petition under 37 CFR 1.48 is **granted**.

The petition under 37 CFR 1.183 seeking waiver of 37 CFR 1.48(a) is **granted**.

The petition under 37 CFR 1.183 seeking waiver of 37 CFR 1.64 is **granted**.

Facts:

A petition under 37 CFR 1.47(b) was filed and granted in the parent application.

A copy of the declaration and a copy of the Rule 47(b) decision were submitted upon filing the instant application.

The assignee is Alan J. Leszinske.

The petition under 37 CFR 1.48 seeks to add Alan J. Leszinske as an inventor.

A petition to add an inventor under 37 CFR 1.48(a) requires:

- (1) submission of the petition fee,
- (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that error in inventorship occurred without deceptive intention on his or her part,
- (3) correct executed oath/dec (or oath/dec as permitted by 37 CFR 1.42, 1.43 or 1.47) and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Petitioner has satisfied requirements (1), (2), and (4) above.

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<sup>1</sup> 37 CFR 1.64(a) states, "The oath or declaration (§ 1.63), including any supplemental oath or declaration (§ 1.67), must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43, 1.47, or § 1.67."

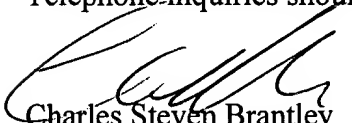
As to requirement (3), petitioner has filed a petition under 37 CFR 1.183.

It is agreed that justice would be served by waiving the requirement for Gobali's signature on the declaration filed June 23, 2005.

The June 23, 2005 declaration has been accepted, on petition, and placed in the file.

The Office of Publications will be informed of the instant decision so that it may take steps to ensure BOTH inventors appear on the face of the printed patent.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions